IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

RP.No. 1092 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.22841/2004 Dated 22/06/2007

.....

REVIEW PETITIONER/PETITIONER:

OCEANIC FISHERIES INDIA LTD.,
CONSUMER NO.7306, SAKTHIKULANGARA P.O., KOLLAM,
REP. BY ITS MANAGER TERRY RICHARD, S/O. RICHARD,
HOUSE NO.11/2, CUSTOMS ROAD, PORT KOLLAM, KOLLAM.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS: RESPONDENTS:

---

1. THE DEPUTY CHIEF ENGINEER,
ANTI POWER THEFT SQUAD (H.O), VYDHYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-695 004.

2. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE KOLLAM, CHINNAKADA,KOLLAM-691001

3. ASSISTANT ENGINEER,
OFFICE OF THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, SAKTHIKULANGARA,
KAVANADU P.O., KOLLAM-691 003.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ALONG WITH R.P. NO.1090/2007 ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

R.P. No.1092 of 2007 in
W.P.(C) No.22841 of 2004 &
R.P. No.1090 of 2007 in
W.P.(C) No.3608/2007

.....

Dated this the 14th day of November, 2007.

ORDER

Heard counsel for the review petitioner and Standing Counsel appearing for KSEB. The review petition is filed on the ground that petitioner was not involved in any theft or diversion of electricity from LT connection to closed HT connection and the findings by this court in the judgment are incorrect. Counsel has relied on certain Annexures produced along with the R.Ps. However, on going through the mahazar once again, I find there is no scope for entertaining this dispute because there is clearcut finding that at the time of inspection, the ice plant where LT connection was given, was not working and inspection team noticed clandestine connection taken from LT to HT installation. Therefore, the review petitions on this ground are rejected.

2. However, counsel has raised another contention that amendment to Clause 42(d) of the Conditions of Supply of Electrical Energy was not considered either by the appellate authority or by this court. During hearing of these R.Ps. the petitioner has also relied on Division Bench

decision of this court in W.A. No.538/2004 dated 9.11.2005. In the circumstances, I feel this requires examination by the Deputy Chief Engineer who considered the appeal. The review petitions are accordingly disposed of directing the Deputy Chief Engineer to reconsider petitioner's argument with regard to applicability of amended clause 42(d) and the scope of applying the ratio of the decision of this court in the decision referred above. The Deputy Chief Engineer is directed to reconsider the appeal on this aspect after hearing the petitioner and pass orders within a period of six weeks from the date of production of copy of this order.

C.N.RAMACHANDRAN NAIR
Judge

pms